

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:

EASTERN LIVESTOCK CO., LLC,

Debtor.

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: Chapter 11
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: Case No.: 10-93904-BHL-11
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FIFTH THIRD BANK'S MOTION TO CONTINUE HEARING

Fifth Third Bank ("Fifth Third"), by and through undersigned counsel, hereby files this Motion to Continue Hearing (the "Motion"), respectfully requesting that the Court enter an Order continuing the currently scheduled August 19, 2013 hearing on Fifth Third's Motion for Protective Order (the "Hearing"). In support of the Motion, Fifth Third respectfully states as follows:

1. On August 2, 2013, Fifth Third filed a motion for a protective order in the above-captioned proceedings. Specifically, Fifth Third asked this Court for an order (1) affirming the validity and effect of its September 30, 2011 Order (the "Order") [Case No. 10-93904, Doc. 731] that approved and adopted the Stipulated Confidentiality Agreement (the "Agreement") [Case No. 10-93904, Doc. 722] and entered the Agreement "in all matters related to this chapter 11 case;" (2) affirming that the Fed. R. Bankr. P. 2004 Examinations of Fifth Third's witnesses were designated as Confidential Material pursuant to the Order; and (3) prohibiting the use of Confidential Materials by Wells Fargo or any other third party in a manner inconsistent with the terms and conditions of the Order.

2. On August 6, 2013, the Court scheduled the Motion to be heard on Monday, August 19, 2013, at 1:30 pm [Case No. 10-93904, Doc. 2289].

3. Due to unforeseen scheduling conflicts in other matters, including, among other things, the undersigned's representation of another client in an unrelated criminal matter, the undersigned cannot be available to participate in the Hearing at its currently scheduled date and time.

4. Further, on August 14, 2013, three lengthy objections to the Motion were filed at or near the close of business.¹ Because these objections set forth arguments that were not addressed in Fifth Third's Motion (by parties whose interests were not the subject of Fifth Third's Motion), Fifth Third requests an opportunity to respond to these objections.

5. Fifth Third's counsel has reached out to counsel for Wells Fargo—the only party with a direct interest in the Motion—to determine whether Wells Fargo would be willing to join Fifth Third in seeking to continue the Hearing. Wells Fargo has not yet responded.

WHEREFORE, Fifth Third respectfully requests that this Motion to Continue Hearing be granted and that the Court enter an order continue the Hearing until to be heard in conjunction with the September 2013 Omnibus Hearing.

Respectfully submitted,

/s/ Eric W. Richardson
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¹ See Case No. 10-93904, Doc. 2302 (Objection to Motion for Protective Order filed by the First Bank and Trust Co at 5:29 PM); Case No. 10-93904, Doc. 2303 (Objection to Motion for Protective Order filed by various parties collectively referred to as the "Moving Creditors" at 5:49 PM); Case No. 10-93904, Doc. 2304 (Objection to Motion for Protective Order filed by Wells Fargo Bank, N.A. ("Wells Fargo") filed at 5:53 PM).

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of August 2013, a copy of the foregoing was filed and served electronically through the Court's CM/ECF System to the parties who are listed on the Court's Electronic Mail Notice List.

/s/ Eric W. Richardson
Eric W. Richardson